

REMARKS

Reconsideration of the above-identified patent application, as amended, is respectfully requested.

Applicant has herein updated the application with the appropriate patent numbers corresponding to the patent applications referred to in the specification. Further, certain patent applications or patents incorporated by reference have been deleted from the specification.

The claims existing in the application have been rejected in view of the prior art and have been cancelled herewith in view of the 5/25 rule limitation regarding the number of claims recently adopted. Submitted herewith are new claims 56-62 which also distinguish over the cited references.

The claims previously in the application have been rejected under 35 USC 102 principally in view of either the U.S. Patent 6,450,576 issued to Rhein et al. or U.S. Patent 5,299,855 issued to Zubeck. The Rhein et al. device discloses a conventional pre-formed and rigid child seat having a harness securing the child in the seat. The child seat rests upon the vehicle passenger seat and is secured thereto by a top tether (Fig. 4), in turn, hooked to the vehicle with various connectors securing the child seat to connectors located on the vehicle seat between the vehicle back portion of the seat and the vehicle seat portion. The Zubeck device discloses a harness (Fig. 2), that both secures the child and the flat seat upon which the child sits to the back of the vehicle seat by a harness extending upwardly from the child seat and around the vehicle seat back. The harness then extends through the vehicle seat back and the vehicle seat being attached then to the child seat.

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Unlike the Rhein et al. device which is a rigid child seat and incapable of being collapsed, applicant's restraint system including the seat as shown in either Fig. 1, Fig. 3, or Fig. 8 may be collapsed so that it can be conveniently carried from place to place in a case. This is achieved since the mounting assembly used to secure applicant's seat to the vehicle seat along with the restraint assembly used to secure the child to the child seat are composed of straps that once unhooked from the vehicle seat may be collapsed against the child seat. Further, unlike the Zubeck device that uses the same identical straps 26 to mount the child seat to the vehicle seat and the child to the child seat, applicant's restraint system has a mounting assembly to secure the child seat to the vehicle seat that is separate from the restraint assembly used to secure the child to the child seat.

Referring to new claim 56, the portable booster seat is defined as having a base supporting a child while the child is in contact with and supported by the vehicle back portion of the vehicle seat unlike the Rhein et al. device wherein the child is in contact with a rigid child seat, in turn, resting atop the vehicle seat. Further, claim 56 requires two separate elements, namely a mounting assembly and a restraint assembly as distinguished from the single element of straps 26 shown in Zubeck. New claim 56 requires the bottom ends of the restraint straps to be connected to the booster seat with the restraint straps then extending upwardly to the top ends of the restraint straps which are connected to the separate mounting strap. Thus, applicant's device does not rely upon a strap or a pair of straps that both secure the child to the child seat and also secure the child seat to the vehicle seat such as taught by Zubeck. None of the references suggest restraint straps having top ends that are connected to the mounting straps. Last, claim 56 requires the mounting assembly and the separate restraint assembly as being flexible to

enable collapsing of the mounting assembly and the restraint assembly adjacent the booster seat when in a stored condition. It is therefore believed claim 56 is allowable.

Claim 57 is allowable for the reasons given for claim 56 and also in view of the further limitation that the second mounting portion of the mounting strap is connected to the booster seat, whereas claim 56 requires the first mounting portion of the mounting strap to be connected to the booster seat. The second mounting portion of the booster strap may be connected to the booster seat through the bight of the vehicle seat as shown in Fig. 2 and/or connected to the front of the booster seat, such as shown in Fig. 1.

Claim 58 further expands claims 56 and 57 by requiring the mounting assembly to have a pair of mounting straps (straps 42 and 43 in Figs. 1, 3 or 8). The first and second mounting straps have mounting portions that are connected to the booster seat with the straps then extendable from the booster seat upwardly against and then over and down the back portion to the other mounting portions which, in turn, are connected to the booster seat. The bottom ends of the restraint straps are connected to the booster seat. Further, the top ends of the restraint straps are attached to the mounting straps unlike anything shown in the cited references. It is believed claim 58 is allowable for the reasons given for the allowance of claim 56 and with the further expansion of the mounting assembly having first and second mounting straps.

Claim 59 adds the additional mounting strap shown in Fig. 2 as strap 62 that is attached to mounting straps 42 and 43 with strap 62 extending adjacent the vehicle back portion, beneath the vehicle seat portion and then attached to the booster seat. Such an increase in strength providing by the additional strap is not shown in the cited references and is believed allowable there over.

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Claim 60 adds the lateral support that includes a plate and a pair of spaced apart wings movably mounted thereto to limit the lateral movement of the child sitting atop the booster seat. The plate includes slots through which the mounting straps extend with the plate movable along the length of the mounting straps to the position desired to limit lateral movement. U.S. Patent 6,601,804 issued to Bisch has been cited regarding the wings. Nevertheless, the Bisch device includes a strap secured to the wings with the strap then extendable around the back portion of the seat upon which it is mounted. Utilization of the Bisch device with applicant's basic restraint system would require a separate component thereby increasing the difficulty of storage. Applicant's plate on the other hand is slidable along the booster seat and does not require additional straps to extend around the vehicle seat. Such an arrangement provides for exceptional convenience for storage and is more readily adjustable as compared to a pair of wings which must be moved along vehicle seat. It is therefore believed claim 60 is allowable.

New claim 61 narrows the restraint system defined in claim 56 and includes the pair of anchorages 68 shown in Fig. 3 that are lockingly engageable with the anchorages disposed in the vehicle seat bight. Further, the second mounting portion of the mounting strap is defined as also being connected to the vehicle seat securing the booster seat to the vehicle seat such as shown in Fig. 4 wherein the mounting strap is engaged with a hook at the bottom of the back portion of the vehicle seat. Claim 61 is believed allowable for the reasons given for the allowance of claim 56 with the additional limitations as listed.

Last, a seventh claim has been added which is a second independent claim 62. Claim 62 requires separate claim elements, namely a mounting assembly and a restraint assembly. The restraint assembly is defined as having a mounting strap with a first

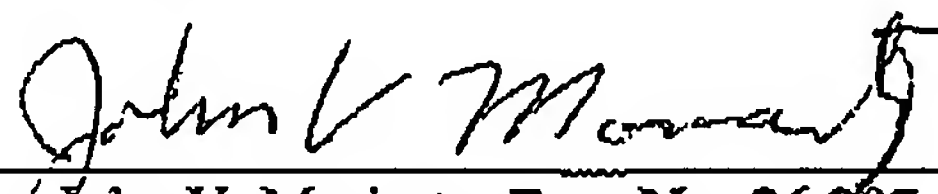
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mounting portion connected to the child seat with the strap then extendable from the first mounting portion over and down the vehicle back portion of the vehicle seat to the second mounting portion which is connected to the child seat thereby securing the child seat to the vehicle seat. The restraint assembly is defined as having a restraint strap with a bottom portion connected to the child seat. The top end of the restraint strap is defined as attached to the mounting strap. The restraint assembly and mounting assembly are extendable upwardly from the base to an in-use position but are flexible enabling collapsing of the restraint assembly and the mounting assembly adjacent the child seat when in a stored condition. Thus, claim 62 includes the double feature of the restraint strap having a top end attached to the mounting strap with the restraint assembly and mounting assembly extendable upwardly from the base and being collapsible against the child seat when in a stored condition. The cited prior references do not include such features.

For the above reasons, the applicant is of the opinion that the subject application is in condition for allowance and such action by the Examiner is respectfully requested.

Respectfully submitted,

By


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